

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COLEMAN DUPONT HOMSEY and)
ELLEN HOMSEY,)
Plaintiffs,) C.A. No. 07-338JJF
v.)
VIGILANT INSURANCE COMPANY,)
Defendant.)

**HOMSEY PLAINTIFFS' MOTION FOR SUMMARY
JUDGMENT ON THE NUMBER OF LOSSES AND THEFTS**

Plaintiffs Coleman DuPont Homsey and Ellen Homsey respectfully move, pursuant to Federal Rule of Civil Procedure 56, for summary judgment to this effect: that Vigilant's contractual promise of "Credit cards, forgery, and counterfeiting" coverage requires it to pay up to \$10,000 for each theft of a credit card or card number, and each forged check. The grounds for this motion are set forth in the accompanying opening brief.

Respectfully submitted,

/s/ John S. Spadaro
John S. Spadaro, No. 3155
John Sheehan Spadaro, LLC
724 Yorklyn Road, Suite 375
Hockessin, DE 19707
(302)235-7745

December 5, 2007

Attorney for plaintiffs Coleman
DuPont Homsey and Ellen Homsey

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

COLEMAN DUPONT HOMSEY and)
ELLEN HOMSEY,)
)
Plaintiffs,)
) C.A. No. 07-338JJF
v.)
)
VIGILANT INSURANCE COMPANY,)
)
Defendant.)

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following:

Denise Seastone Kraft
Edwards Angell Palmer & Dodge LLP
919 North Market Street
Wilmington, DE 19801

In addition, I certify that the document itself was served by U.S. Mail at the address shown.

JOHN SHEEHAN SPADARO, LLC
/s/ John S. Spadaro
John S. Spadaro, No. 3155
724 Yorklyn Road, Suite 375
Hockessin, DE 19707
(302)235-7745

December 5, 2007

Attorney for Coleman DuPont
Homsey and Ellen Homsey